



U.S. Citizenship  
and Immigration  
Services

Identifying information deleted to  
prevent disclosure of information  
invasion of personal privacy

LD

[Redacted]

MAY 26 2004

FILE:

[Redacted]

Office: NATIONAL BENEFITS CENTER

Date:

IN RE:

[Redacted]

APPLICATION:

Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by LIFE Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT:

Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. The file has been returned to the National Benefits Center. If your appeal was sustained, or if the matter was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Robert P. Wiemann, Director  
Administrative Appeals Office

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**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was denied by the Director, National Benefits Center, and is now before the Administrative Appeals Office on appeal. The appeal will be dismissed.

The director concluded the applicant had not established that he had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal, the applicant submits a separate statement, in which he claims eligibility for permanent resident status under the LIFE Act based on his filed an application for class membership in LULAC on September 10, 2000. The applicant also submits additional evidence in support of his application.

An applicant for permanent resident status under the LIFE Act must establish that before October 1, 2000, he or she filed a written claim with the Attorney General for class membership in any of the following legalization class-action lawsuits: *Catholic Social Services, Inc. v. Meese*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). See 8 C.F.R. § 245a.10.

The regulations provide an illustrative list of documents that an applicant may submit to establish that he or she filed a written claim for class membership before October 1, 2000. The regulations also permit the submission of "[a]ny other relevant document(s)." See 8 C.F.R. § 245a.14.

Along with his LIFE application, the applicant included a photocopied Form I-687, Application for Status as Temporary Resident under Section 245A of the Immigration and Nationality Act (INA), which is dated June 4, 1988. He also provided a photocopy of a Legalization Front-Desking Questionnaire dated May 7, 2000, along with a personal statement attempting to describe his unsuccessful attempt at applying for legalization "at an agency in Center City Phila on June 1987," where he was purportedly discouraged by an unspecified employee from applying due to his having engaged in unauthorized travel.

While a photocopied I-687 application might serve as evidence of being "front-desked" or otherwise discouraged or prevented from applying for legalization under section 245A of the INA, it does not constitute an application for class membership under any of the aforementioned class-action lawsuits. Moreover, as the one-year application period for applying for legalization under Section 245A of the INA expired May 4, 1988, the applicant's Form I-687 application dated June 4, 1988 was *untimely* filed. It should also be noted that, had the applicant actually filed a Legalization Front-Desking Questionnaire with the Immigration and Naturalization Service or the Service (now, Citizenship and Immigration Services, or CIS) on May 7, 2000, as claimed, a Service file would normally have been created at that point. However, there is no indication in CIS administrative or computer data records of the applicant ever having filed an I-687 application or a Legalization Front-Desking Questionnaire with this agency.

In response to the director's Notice of Intent to Deny, the applicant submitted a LULAC Class Member Declaration purportedly signed by the applicant on September 10, 2000. Subsequently, on appeal, the applicant submits a photocopy of an undated and unsigned Form G-56 notice reflecting that he was to be interviewed at the Patterson, New Jersey legalization office of INS on September 21, 1988 at 2:30pm regarding the question of his eligibility for class membership in the LULAC legalization class-action lawsuit. However, the applicant fails to explain *why*, if he truly had these documents in his possession the entire time,

they had not been submitted along with his LIFE application or, in the case of the photocopied appointment notice, at least in rebuttal to the director's Notice of Intent to Deny. Applicants were instructed to furnish qualifying evidence *with* their applications. The applicant's failure to submit these documents initially and later, on rebuttal, and his failure to explain why he did not, creates suspicion regarding the authenticity of both documents.

Finally, the applicant's account of his attempt to apply for legalization, as set forth in his LULAC Class Member Declaration, is at variance with that on his Legalization Front-Desking Questionnaire. The applicant indicates on his front-desking questionnaire that he attempted to file for legalization in Philadelphia in June 1987, but was discouraged from doing so by an unspecified officer or employee. However, on his class-member declaration, the applicant specified that he had *not* attempted to apply for legalization *prior to May 4, 1988*, the expiration of the legalization filing period, because he believed he was ineligible based on information which had come to his attention. The applicant does not attempt to reconcile this inconsistency in his documentation which, in turn, further diminishes the credibility of his claim.

Given his failure to credibly establish having filed a timely written claim for class membership, the applicant is ineligible for permanent residence under section 1104 of the LIFE Act.

**ORDER:** The appeal is dismissed. This decision constitutes a final notice of ineligibility.